



Attorney's Docket No. 5600-84

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Confirmation No: 6682

Serial No.: 10/601,241

Filed: June 20, 2003

For: *LIQUID COMPOSITIONS AND COMPRISING NON-DIGESTIBLE
OLIGOSACCHARIDES AND GREEN TEA CATECHINS, METHOD AND USES THEREOF*

Date: October 28, 2003

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

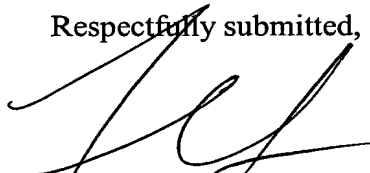
**SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63**

Sir:

In response to the Notice to File Missing Parts, mailed September 8, 2003, enclosed is a Declaration and Power of Attorney for the above-identified application, which has been executed by the named inventors.

Enclosed please find a check to cover \$65 surcharge under 37 C.F.R. § 1.492(e). If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,



F. Michael Sajovec
Registration No. 31,793

Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 28, 2003.



Clara R. Beard



DECLARATION FOR PATENT APPLICATION

As a below named inventor, I (we) hereby declare that my (our) residence, post office address and citizenship are as stated below next to my (our) name; I (we) believe that I am (we are) the original, first and sole inventor(s) (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: LIQUID COMPOSITIONS COMPRISING NON-DIGESTIBLE OLIGOSACCHARIDES AND GREEN TEA CATECHINS, METHOD AND USES THEREOF

the specification of which (check one): _____ is attached hereto; ☒ was filed on June 20, 2003 as application serial No. 10/601,241 and was amended on (or amended through) _____ (if applicable); ☐ was filed on _____ as International Application (PCT) No. _____ and amended on _____ (if applicable). I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I (we) acknowledge the duty to disclose information known by me (us) to be material to the patentability of my (our) invention in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I (we) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

I (We) hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> YES	<input type="checkbox"/> NO

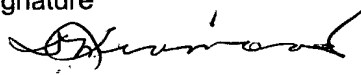
I (we) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I (we) acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior art application and the national or PCT international filing date of this application:

60/380,150	June 21, 2002	Abandoned
(Appl. No.)	(Filing date)	(Status – Patented, Pending or Abandoned)
(Appl. No.)	(Filing date)	(Status – Patented, Pending or Abandoned)

I (we) hereby declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (we) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Garabed NAHABEDIAN (Reg. No. 29,507); Thierry ORLHAC (Reg. No. 29,497); Alain PROVOST (Reg. No. 33,143); Nathalie JODOIN (Reg. No. 41,558); Louis-Pierre GRAVELLE (Reg. No. 44,429); Luc MORIN (Reg. No. 44,430); Gonzalo LAVIN (Reg. No. 52,529); and Zhen WONG (Reg. No. 53,917), whose professional address is 55 St Jacques, Montreal, Quebec, Canada, H2Y 3X2.

Full name of First or Sole Inventor SIMMONS, Donald L.	Citizenship CANADIAN
Residence Address-Street 169 ATHENES STREET	Post Office Address-Street 169 ATHENES STREET
City DOLLARD DES ORMEAUX	City DOLLARD DES ORMEAUX
State or Country Zip QUÉBEC, CANADA, H9B 3L1	State or Country Zip QUÉBEC, CANADA, H9B 3L1
Date Sept 23, 2003	Signature 

Full name of second Inventor DONG, Cunji	Citizenship CANADIAN
Residence Address-Street 500, RUE MARLATT	Post Office Address-Street 500, RUE MARLATT
City ST-LAURENT	City ST-LAURENT
State or Country Zip QUÉBEC, CANADA, H4M 2H1	State or Country Zip QUÉBEC, CANADA, H4M 2H1
Date Sept. 23, 2003	Signature 